

# Order

Michigan Supreme Court  
Lansing, Michigan

June 21, 2006

Clifford W. Taylor,  
Chief Justice

130333  
& (58)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee  
and Cross-Appellant,

v

SC: 130333  
COA: 253407  
Dickinson CC: 02-002999-FH

CARL RICHARD NANTELLE,  
Defendant-Appellant  
and Cross-Appellee.

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On order of the Court, the application for leave to appeal the October 11, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The application for leave to appeal as cross-appellant is also considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REVERSE, in part, the judgment of the Court of Appeals and REMAND this case to the Dickinson Circuit Court for reinstatement of defendant's conviction of unlawfully driving away an automobile, MCL 750.413. At the time the police discovered the keys, they had probable cause to arrest defendant for operating a vehicle while under the influence of intoxicating liquor. The search was lawful as incident to a legal arrest. *People v Arterberry*, 431 Mich 381, 382-385 (1988).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 21, 2006

Clerk